

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONTÉ ROYES WILLIAMS,)	
)	
Plaintiff,)	
)	
)	2:04-cv-299
v.)	Judge Terrence F. McVerry
)	Magistrate Judge
KUSNAIRS BAR AND TAVERN,)	Francis X. Caiazza
RANDALL RUSIA, MARK RUSIA,)	
COMMUNITY ACTION INC., OF)	
FAYETTE COUNTY,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Plaintiff's Complaint was received by the Clerk of Court on June 28, 2001, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 1, 2006, recommended that summary judgement be granted as to Mark Rusia and denied as to Randall Rusia with respect to the Plaintiff's claim based upon the provisions of 42 U.S.C. Section 3604, 3617 and 3631. It was also recommended that Kusnair's Bar and Tavern be dismissed as a Defendant. The parties were allowed ten (10) days from the date of service to file objections.

Service was made on the Plaintiff by First Class United States Mail and on the Defendants. No Objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of July, 2006,

IT IS HEREBY ORDERED that the summary judgement is GRANTED as to Mark Rusia and DENIED as to Randall Rusia with respect to the Plaintiff's claim based upon the provisions of 42 U.S.C. Section 3604, 3617 and 3631.

IT IS FURTHER ORDERED that Kusnair's Bar and Tavern is dismissed as a Defendant.

The Report and Recommendation of Magistrate Judge Caiazza (Doc. 143) dated June 1, 2006, is adopted as the opinion of the district court.

For purposes of clarity, all actions against all defendants are no longer viable, except the following actions against the Defendant, Randall Rusia: (1) the claims based upon the provisions of 42 U.S.C. Sections 1981 and 1982; (2) the state law contract claim; (3) the claim based upon the Pennsylvania Unfair Trade Practices and Consumer Protection Law (73 Pa. Cons. Stat. Section 201-2 (xiv)); and (4) the Pennsylvania Landlord and

Tenant Act, (68 Pa. Cons. Stat. Ann. Section 250.501, Notice to Quit)).

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc:
Francis X. Caiazza
U.S. Magistrate Judge

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